

REMARKS

In the final Office Action of August 16, 2004, the Examiner rejects claims 1-5, 11-14, 18-24, and 27 under 35 U.S.C. § 102(b) in view of “Intermediaries: New Places for Producing and Manipulating Web Content,” by Barrett et al. (“Barrett”) and rejects claims 6-10, 15-17, and 25-26 under 35 U.S.C. § 103(a) in view of Barrett and U.S. Patent No. 5,752,022 to Chiu et al. (“Chiu”).

By this Amendment, Applicants propose amending claims 1, 6, 7, 9, 11, 15, and 18 to more appropriately define the invention. Additionally, Applicants propose canceling claims 5 and 12-14 without prejudice or disclaimer.

Although the final Office Action states, on the cover page and on page 2, that claim 20 was canceled, Applicants point out that claim 20 was not canceled in the prior Amendment. Additionally, on page 7 of the final Office Action, the Examiner addresses claim 20 in the rejection under 35 U.S.C. § 102(b), although the Examiner did not include claim 20 in the initial statement of the rejection on page two of the final Office Action.

Claims 1-5, 11-14, 18-24, and 27 stand rejection under 35 U.S.C. § 102(b) in view of Barrett. Applicants propose canceling claims 5 and 12-14, thereby rendering the rejection of these claims moot. Applicants respectfully traverse the rejection as it applies to the remaining claims.

Independent claim 1, as amended, recites an information retrieval system that includes an intermediate server, at least one third-party application plug-in installed on the intermediate server, and a history manager. The history manager stores results of historical requests from the client machine and provides the results of the historical requests to the client machine in response to a view history request from the client machine. Applicants submit that Barrett fails

to disclose the invention recited in claim 1. For example, Barrett does not disclose or suggest the history manager recited in claim 1.

Claim 5 previously recited a history manager related to the history manager now recited in claim 1. In rejecting the previous version of claim 5, the Examiner pointed to the paragraph labeled “Document Caching” on page 510 of Barrett. This paragraph states:

Document caching, a common feature of current Web browsers, can easily be cast in the intermediary mold. If the caching function is separated from the browser and implemented by an intermediary, the browser becomes simply a URL requester. In this case, the intermediary cache checks its store of pages to see whether the request can be satisfied locally or whether it must be sent to another intermediary or to the server. Figure 1 illustrates this application. One benefit of this approach is that the cache can be shared among multiple browsers or multiple people. Another benefit is that different caching strategies can be implemented without affecting the rest of the system.

(Barrett, page 510). In this paragraph, document caching is described in which the caching function commonly performed by a Web browser is instead implemented in the intermediary. Caching, however, as performed by Barrett and as commonly performed in Web browsers, is not equivalent or suggestive of the functions performed by the history manager recited in claim 1. That is, the caching described by Barrett does not provide results of historical requests to a client machine in response to a view history request from the client machine. Instead, Barrett provides previously accessed documents from a cache when that document is again requested—but not in response to a specific request from the client machine.

For at least these reasons, Applicants submit that Barrett does not disclose or suggest the features of claim 1 and the rejection of this claim should be withdrawn. The rejection of claims 2-4 and 21 based on Barrett should also be withdrawn, at least by virtue of their dependency from claim 1.

Claims 11-14 were also rejected under 35 U.S.C. § 102(b) based on Barrett. Applicants submit that this rejection is obviated, as claims 12-14 have been canceled and claim 11 is amended and now depends from claim 9.

Claims 18-20 and 27 were also rejected under 35 U.S.C. § 102(b) based on Barrett. Applicants restfully traverse this rejection.

Independent claim 18 is directed to a computer readable medium including, for example, computer program code for providing the requester with a history of responses to resource requests pursuant to a history request received from the requester. Based on rationale similar to that discussed above, Applicants submit that Barrett does not disclose or suggest this feature of the invention. As mentioned, Barrett merely discloses caching Web pages at an intermediary cache. Barrett, however, makes no mention of providing a requester with a history of responses to resource requests pursuant to a history request received from the requester, as recited in amended claim 18.

For at least these reasons, Applicants submit that Barrett does not disclose or suggest the features of claim 18 and the rejection of this claim should be withdrawn. The rejection of claims 19, 20, and 27 based on Barrett should also be withdrawn, at least by virtue of their dependency from claim 18.

Claims 6-10, 15-17, and 25-26 stand rejected under 35 U.S.C. § 113(a) in view of Barrett and Chiu. Applicants respectfully traverse this rejection.

Independent claim 6, as amended, is directed to an intermediary server having a number of elements, including a web server, a HTTP handler, a HTML parser, and a history manager. Barrett and Chiu, either alone or in combination, do not disclose the combination of elements recited in claim 6. For example, the history manager of claim 6 provides resources that were previously requested by the client machine in response to a view history request received from

the client machine. As previously mentioned, Barrett discloses caching documents at the intermediary, but does not disclose or suggest a history manager that provides resources in response to a view history request, as recited in claim 6.

The Examiner relies on Chiu for the disclosure that “certain links contained therein can be modified to be directed to the intermediary server system as taught by Chiu.” (Office Action, page 9). Applicants have reviewed Chiu, and submit that Chiu fails to cure the deficiencies of Barrett with regard to claim 6. That is, neither Barrett nor Chiu discloses or suggests the history manager recited in claim 6.

For at least these reasons, Applicants submit that Barrett and Chiu do not form a proper rejection of claim 6 under 35 U.S.C. § 103(a) and the rejection of this claim should be withdrawn. The rejection of claims 7-10, 25, and 26 based on Barrett and Chiu should also be withdrawn, at least by virtue of their dependency from claim 6.

Additionally, claim 11, as amended, now depends from claim 9. This claim further defines the history manager, and recites that the history manager provides search services of the previously requested resources to the client machine. Applicants submit that neither Barrett nor Chiu disclose or suggest this feature of the invention.

Independent claim 15 and its dependent claims 16 and 17 were also rejected based on Barrett and Chiu. Claim 15, as amended, recites a method including, *inter alia*, “providing the requester with a history of responses to resource requests pursuant to a view history request received from the requester.” For reasons similar to those given above, Applicants submit that neither Barrett nor Chiu, either alone or in combination, disclose or suggest this feature of the invention. For at least this reason, the rejection of claim 15 and its dependent claims 16 and 17 should be withdrawn.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-4, 6-11, and 15-27 in condition for allowance. Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. Additionally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that his claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 

Brian E. Ledell
Reg. No. 42,784

11240 Waples Mill Road
Suite 300
Fairfax, Virginia 22030
(571) 432-0800
Customer No.: 44987

Date: October 18, 2004